

REMARKS

Claims 1, 3, and 5-34 are pending in the application. Claims 1, 22, 29, and 33 are independent claims, and are amended herein. Support for these amendments may be found in at least paragraphs 64-66 of Applicants' Specification.

The Board's Decision affirmed, and set forth new grounds for, the Examiner's rejection of claims 1, 3, and 5-28 under 35 USC § 101 as allegedly directed to non-statutory subject matter. Further, the Decision reversed the Examiner's rejections of all pending claims under 35 USC § 103(a). Accordingly, this paper addresses the Section 101 rejections of the claims.

The foregoing amendments to independent claims 1, 22, and 29 are believed to render the claims patentable under Section 101. Further, independent claim 33, although not rejected under Section 101, has been amended for consistency.

In the Decision, the Board stated that the recitation of a "computer-implemented method" in a claim preamble was insufficient to render the claim statutory. The claims now recite steps performed by computing machinery in the claim bodies, as opposed to the claim preambles.

The Board further stated in the Decision that "storing employee task data in a database of a computing system" was simply "extra-solution activity insignificant to the core of the invention." The claims now recite that key steps of "generating" and applying linear regression techniques are performed in a computer having a processor and a memory.

The Board further stated that "'utilizing a computing system' to perform the linear regression is a field-of-use limitation to a particular technological environment insufficient to render it statutory." The claims now specifically recite "using said processor, according to instructions stored in said memory" for performing analyses and the linear regression. Accordingly, rather than simply limiting the recited analysis "to a particular technological environment," the claims recite a specific machine, and instructions stored in and executed on that specific machine. Further, these amendments address the Board's concern that "the phrase 'utilizing a computing system' is extremely broad, as arguably a user could just use the computing system in a *de minimis* manner, such as a like a [*sic*] calculator, while mentally performing the bulk of the linear regression."

All rejections have been addressed.¹ In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue.

It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 65632-0559. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

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¹ As Appellants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Appellants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Appellants that such assertions are accurate or such requirements have been met, and Appellants reserve the right to analyze and dispute such assertions/requirements in the future.